

**NOTICE OF PUBLIC COMMENT  
ON THE PROPOSED TOTAL MAXIMUM DAILY LOADS  
FOR TOXIC POLLUTANTS FOR  
SAN DIEGO CREEK, NEWPORT BAY AND RELATED WATERSHEDS**

**April 12, 2002**

**PURPOSE OF NOTICE**

The United States Environmental Protection Agency (EPA) is soliciting public comments on proposed Total Maximum Daily Loads (TMDLs) for Toxic pollutants for San Diego Creek, Newport Bay and related watersheds. Comments for the record must be made submitted in writing by May 28, 2002 to the address below to be considered in the final decision.

**BACKGROUND INFORMATION**

Section 303(d) of the Clean Water Act requires states to identify waterbodies that do not meet water quality standards and then to establish TMDLs for each water body for each pollutant of concern, which will ensure attainment of water quality standards. The San Diego Creek and Newport Bay are on the State of California's Section 303(d) list due to the water quality impacts of toxic pollutants. EPA will establish TMDLs for toxic pollutants for San Diego Creek and Newport Bay by June 15, 2002 in order to meet EPA's obligations under a consent decree (*Defend the Bay, Inc. v. Marcus, et al.* No. C97-3997, October 17, 1997).

The Santa Ana Regional Water Quality Control Board is in the process of developing TMDLs for some toxic pollutants. However, because the state of California is not expected to adopt and submit the toxics TMDLs as required under the consent decree by June 15, 2002, EPA is establishing these toxic pollutant TMDLs to meet the consent decree schedule.

**COPIES AND CONTACT INFORMATION**

Copies of the proposed Toxic Pollutant TMDL summary document and related Technical Support Documents are available for public review. They will be available electronically on the EPA web site (<http://www.epa.gov/region09/water/tmdl/prgress.html>). Written copies will be available at the Santa Ana Regional Water Quality Board, EPA Region 9 Offices in San Francisco or by contacting Peter Kozelka at (415)972-3448 (telephone) or [kozelka.peter@epa.gov](mailto:kozelka.peter@epa.gov) (e-mail).

Comments regarding the proposed TMDLs should be sent to:

Peter Kozelka (WTR-2)  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

EPA will consider comments on the proposed TMDLs received by May 28, 2002, and will prepare a written summary of responses to comments once the TMDLs are finalized.